

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DISTRICT**

**IN RE ANDROGEL ANTITRUST  
LITIGATION (II)**

**Case No.1:09-md-2084 (TWT)  
ALL CASES**

**FEDERAL TRADE COMMISSION**

**Plaintiff**

**v.**

**WATSON PHARMACEUTICALS, INC.,  
et al.**

**Defendants**

**Case No. 1:09-cv-955 (TWT)**

**INITIAL CASE MANAGEMENT ORDER**

This matter came before the Court for an initial conference on November 19, 2009. In accordance with the discussion at the conference and with the consent of all counsel for the affected parties, the Court hereby orders as follows:

**I. GENERAL PROVISIONS**

1. This Order shall govern the interim practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation in MDL 2084 pursuant to their order of October 5, 2009, as well as the related actions previously transferred to this Court. This Order shall also govern the practice and procedure in (1) any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to J.P.M.L. Rule 7.4 after a conditional transfer order has been filed in this Court and (2) any related actions subsequently filed in this Court or otherwise transferred or removed to this Court. Where applicable, the provisions of this Order shall also apply to the related Federal Trade Commission (“FTC”) action, 1:09-cv-0955-TWT.

2. The actions described in paragraph 1 of this Order will be related for pretrial purposes in the following manner:

- a. the cases numbered 1:09-cv-0956-TWT, 1:09-cv-0957-TWT, 1:09-cv-0958-TWT, and 1:09-cv-2913-TWT will be consolidated for pretrial purposes and will be referred to as the “Direct Purchaser Class Actions”;

- b. the cases numbered 1:09-cv-2776-TWT and 1:09-cv-3019-TWT will be consolidated for pretrial purposes and will be referred to as the “Direct Purchaser Individual Actions”; and
- c. the cases numbered 1:09-cv-2848-TWT, 1:09-cv-2914-TWT, and 1:09-cv-2915-TWT will be consolidated for pretrial purposes and will be referred to as the “End Payor Class Actions.”
- d. the case numbered 1:09-cv-955-TWT will be referred to as the “FTC Action.”

3. The Direct Purchaser Class Actions, the Direct Purchaser Individual Actions, and the End Payor Class Actions will all be coordinated for pretrial purposes (together, “the MDL Cases”). The FTC Action has not been consolidated with the MDL Cases at this time. This Court has deferred the issue of whether the FTC case should be coordinated or consolidated with the MDL Cases until it rules on the motions to dismiss pending before the Court.

4. Counsel who appeared in the transferor district court prior to transfer need not enter a separate appearance before this Court.

5. Non-resident attorneys in any of these actions shall not be required to apply for permission to appear or obtain local counsel in this District and the requirements of Rules 83(b)(1) and (2) of the Rules of this Court are waived as to

any attorney appearing in these actions who is duly admitted to practice before any United States Court.

## **II. CAPTIONS; FILING**

6. The parties will file all documents on the Master Docket, No. 1:09-md-2084 (TWT). Separate dockets also shall be maintained for each individual action. The Clerk shall file a separate copy of this Order on the dockets of each individual action.

7. All filings must be made electronically pursuant to the Court's CM/ECF system.

8. Every pleading, motion, and other document filed in the MDL Cases, or in any separate action included therein shall bear the following caption:

<b>IN RE ANDROGEL ANTITRUST LITIGATION (II)</b>
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**Case No. 1:09-md-2084 (TWT)**

9. When a pleading, motion, or other document is intended to be applicable to all the MDL Cases, the words "ALL CASES" shall appear immediately below: "1:09-md-2084 (TWT)" in the caption set out above. When a paper is filed and the caption shows that the paper is to be applicable to "ALL CASES," the party filing the document shall electronically file such document in

the Master Docket. No further copies need be filed, nor docket entries made. When a paper is filed and the caption shows that the paper is to be applicable to less than all of the cases, the party filing the document shall electronically file such document on the individual docket to which that paper applies as well as the Master Docket.

10. When a pleading, motion, or other document is intended to be applicable to only the Direct Purchaser Class Actions, the MDL docket number shall be followed by the notation "DIRECT PURCHASER CLASS ACTIONS," and below that the style and civil action number of each of the direct purchaser class actions (the cases numbered 1:09-cv-0956-TWT, 1:09-cv-0957-TWT, 1:09-cv-0958-TWT, and 1:09-cv-2913-TWT as well as any later filed direct purchaser class actions); if a pleading, motion, or other document is intended to be applicable to only the Direct Purchaser Individual Actions, the MDL docket number shall be followed by the notation "DIRECT PURCHASER INDIVIDUAL ACTIONS" followed by the style and number of each of the relevant individual actions to which the filing relates (the cases numbered 1:09-cv-2776-TWT and/or 1:09-cv-3019-TWT as well as any later filed direct purchaser individual actions); if a pleading, motion, or other document is intended to be applicable to only the End Payor Class Actions, the MDL docket number shall be followed by the notation

“END PAYOR CLASS ACTIONS” followed by the style and civil action number of each of the end payor class actions (the cases numbered 1:09-cv-2848-TWT, 1:09-cv-2914-TWT and 1:09-cv-2915-TWT as well as any later filed end payor class actions).

11. Every pleading, motion, or other document filed in, or intended to be applicable to, the FTC Action shall bear the following caption:

**FEDERAL TRADE COMMISSION**

**Plaintiff**

**v.**

**WATSON PHARMACEUTICALS, INC.,  
et al.**

**Defendants**

**Case No. 1:09-cv-955 (TWT)**

12. Where counsel for more than one party plan to file substantially identical documents they shall join in the submission of such documents and shall file only one document on behalf of all so joined.

### **III. SERVICE**

13. Service of any document filed in any of the related cases shall be deemed sufficient if made upon all attorneys that have registered with the Court's CM/ECF system.

### **IV. AMENDMENTS AND MODIFICATIONS TO THE ORDER; HEARINGS ON MOTIONS**

14. Nothing in this Order is intended to limit amendments or modifications of this Order or other relief from the Court should this Order prove to be unworkable for any reason or fail effectively to manage case preparation.

15. Hearings shall not be held on any motions filed except by order of Court upon such notice as the Court may direct.

SO ORDERED, this 3<sup>rd</sup> day of December, 2009

/s/Thomas W. Thrash  
Hon. Thomas W. Thrash  
United States District Judge